FINDINGS OF CONFORMANCE MULTIPLE SPECIES CONSERVATION PROGRAM For 94/Engineer Springs Wireless Telecommunications Facility P06-087, ER 06-19-029

March 24, 2008

I. Introduction

The project is a wireless telecommunications facility located on a hilltop adjacent to an existing fiberglass water tank. The facility is 640 square feet in size and consists of 9 wireless antennas and one 4-foot microwave antenna mounted on the existing fiberglass water tank, with 3 vertical steel posts attached to a proposed above-ground concrete foundation to be placed in the adjacent Diegan coastal sage scrub habitat. A cable bridge will be constructed to connect the antennas to a proposed concrete equipment shelter located approximately 30 ft to the southeast. The concrete shelter will be FP2 compliant; therefore no fuel modification zone will be required. A temporary trench will be dug in the Diegan coastal sage scrub habitat to place an underground power and telco utility line that will connect the power and telco panels to a proposed utility pole located approximately 75 ft to the south of the equipment shelter. An overhead power and telco route will be located down the hill for approximately 800 ft and will connect to an existing utility pole near Highway 94. The power poles will be placed in the sage scrub and chaparral habitat, however all of the construction equipment for the placement of the poles will remain on the existing dirt access road. The power lines will be hand walked down the hill through the sage scrub and chaparral for connection to the power poles. An existing dirt road provides access to the project site from Highway 94. No access road improvements are proposed.

The project site is located on Madre Grande Road within the Jamul-Dulzura Community Planning Area in the unincorporated portion of San Diego County (APN 649-141-02). This property is located to the north of Highway 94. It is within the Metro-Lakeside-Jamul Segment of the Multiple Species Conservation Program (MSCP). The project site is considered a Biological Resource Core Area (BRCA). However, it is located outside of the Pre-approved Mitigation Area (PAMA). The nearest PAMA is approximately 2.3 miles to the west of the site and the nearest Hardline Preserve is 0.4 miles to the east.

Biological resources on the project site were evaluated in a Biological Resource Letter Report prepared by Merkel & Associates, Inc., and dated January 30, 2008. The biological study was completed for the project area and 100 ft beyond the proposed wireless facility, overhead power and telco route, and the existing access road. The entire site burned in the October 2007 Harris Fire and currently consists of limited, resprouting native shrubs.

The project is a small-scale project that would not create a barrier to wildlife movement or impede the use of nursery sites. The project will impact 0.3 acre of Diegan coastal

sage scrub and 0.1 acre of Southern mixed chaparral, out of a total 17.4 acres included in the study area for the project.

The entire site qualifies as a BRCA. Therefore, any development on the site would constitute an impact. However, to the maximum extent practicable, the project design minimizes impacts to the resources on site by placing the antennas on the existing water tank and by placing the facility north of the adjacent boulder in order to comply with County visual and aesthetic requirements. The corridors and topography onsite will remain relatively unchanged as a result of this project.

Under the BMO, impacts to southern mixed chaparral and to Diegan coastal sage scrub may be mitigated through habitat-based mitigation. Mitigation measures have been listed in the Mitigated Negative Declaration (MND) and applied in accordance with the Biological Mitigation Ordinance (BMO). The loss of 0.3 acre of sage scrub and 0.1 acre of chaparral will be mitigated off site at 1.5:1 and 0.5:1 ratios, respectively. The small amount of land onsite to be impacted and the proposal to mitigate off-site in an approved bank within a BRCA is expected to contribute to the preservation of a functioning ecosystem supporting MSCP covered species. Therefore, impacts to sensitive resources and sensitive species have been minimized as outlined in the BMO. Mitigation will also include avoidance of the avian breeding season during construction and temporary fencing around the lease area during construction.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Southern Mixed Chaparral (37120)	III	6.5	0.1	1:1	0.1
Diegan coastal sage scrub	II	8.7	0.3	1.5:1	0.5
Total:		15.2	0.4		0.6

The findings contained within this document are based on County records, staff field site visits and the Biological Resource Letter Report prepared by Merkel & Associates, Inc and dated January 30, 2008. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP

Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The project site meets the criteria as a Biological Resource Core Area (BRCA). The habitat is shown as high conservation value on the GIS Habitat Evaluation Map and is part of a larger block of undisturbed habitat that could contribute to the conservation of sensitive species.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

The project will purchase offsite habitat to satisfy mitigation requirements. The offsite purchase will be within a County-approved conservation/mitigation bank located in the MSCP Subarea plan. The County approved mitigation bank is considered a BRCA since it supports high habitat value, connectivity to native habitat lands, and maintains long-term viability of habitat.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

1. Project development shall be sited in areas to minimize impact to habitat.

The wireless facility has been designed to minimize impacts to native habitat by placing the antennas on the existing water tank, and proposing an overhead, rather than an underground power and telco route. An underground route would require trenching along the entire length of the power line down the slope. The facility was placed north of the adjacent boulder in order to comply with County visual and aesthetic requirements.

2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.

The project does not include residential development. Therefore, clustering does not apply.

3. Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design that may encroach into steep slopes to avoid impacts to habitat.

To the maximum extent practicable, the project design minimizes impacts to the resources on site by placing the antennas on the existing water tank and by placing the facility north of the adjacent boulder in order to comply with County visual and aesthetic requirements. The habitat found on the slopes and that found in the areas proposed for the wireless facility are similar in quality and sensitivity. Therefore, to increase slope encroachment would not aid in preserving more valuable resources.

4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.

An existing dirt road provides access to the project site from Highway 94. No access road improvements are proposed.

5. Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).

Attachment G and Attachment H are provided below.

B. Preserve Design Criteria (Attachment G)

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

The site is located in the Unincorporated Land in Metro-Lakeside-Jamul segment of the MSCP. The site is not located in a PAMA or in a Hardline Preserve.

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

1. Habitat linkages as defined by the BMO, rather than just corridors, will be maintained.

The project is not located in a defined habitat linkage, as defined by the BMO.

2. Existing movement corridors within linkages will be identified and maintained.

The project will not impede the movement of any native resident or migratory fish or wildlife species from using an established native resident or migratory wildlife corridor, or the use of native wildlife nursery sites. The site and surrounding areas is within the MSCP in an undeveloped section of the Metro-Lakeside Jamul segment, which may facilitate movement of native or migratory wildlife species and/or may support wildlife nursery sites. The proposed facility is a small-scale project that would not create a barrier to wildlife movement or impede the use of nursery sites. Rather, it will allow ample space on all sides for wildlife movement.

3. Corridors with good vegetative and/or topographic cover will be protected.

The project is a wireless telecommunication facility located on a hilltop adjacent to an existing fiberglass water tank. It is a small-scale project that would not create a barrier to wildlife movement or impede the use of nursery sites. The project will impact 0.3 acre of Diegan coastal sage scrub and 0.1 acre of Southern mixed chaparral, out of a total 17.4 acres included in the study area for the project. The property consisted of sage scrub and chaparral habitat with high floral and faunal species diversity, located amongst extensive rock outcroppings. The entire site burned in the October 2007 Harris Fire and currently consists of limited, re-sprouting native shrubs. The corridors and topography onsite will remain relatively unchanged as a result of this project.

 Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.

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5. The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited

topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.

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6. If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.

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7. Visual continuity (i.e., long lines-of-site) will be provided within movement corridors. This makes it more likely that animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.

The project has been designed to minimize impacts to native habitat by placing the antennas on the existing water tank and by placing the facility north of the adjacent boulder in order to comply with County visual and aesthetic requirements. It is a small-scale project that would not create a barrier to wildlife movement and will not affect biological corridors onsite. All of the corridors and linkages on the site will maintain visual continuity.

8. Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.

The project is an unmanned wireless telecommunication facility located on a hilltop adjacent to an existing fiberglass water tank. It is a small-scale project that would not create a barrier to wildlife movement and will not affect biological corridors onsite. Noise generating equipment, including 2 air conditioning units and 1 emergency generator, will be located within the equipment shelter, which will be constructed of concrete. No artificial lighting is proposed for the project.

9. Barriers, such as roads, will be minimized. Roads that cross corridors should have ten foot high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.

An existing dirt road provides access to the project site from Highway 94. No access road improvements are proposed and no additional roads are proposed as part of this project.

10. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition, and vegetated with native vegetation if possible; a line-of-site to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.

The project will not include any changes to wildlife crossings. It is a small scale project that will impact 0.3 acre of Diegan coastal sage scrub and 0.1 acre of Southern mixed chaparral, out of a total 17.4 acres included in the study area for the project. The project is not expected to result in any significant barriers to wildlife movement paths.

11.If continuous corridors do not exist, archipelago (or stepping-stone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is less than 1-2 miles.

The project is a wireless telecommunication facility located on a hilltop adjacent to an existing fiberglass water tank. The habitat on site is part of a large block of native habitat that continues to the north of Highway 94. The project will impact 0.3 acre of Diegan coastal sage scrub and 0.1 acre of Southern mixed chaparral, out of a total 17.4 acres included in the study area for the project. It is a small-scale project that will not create a barrier to wildlife movement and will not affect biological corridors onsite.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

The project site does not contain any wetlands as defined by the County of San Diego (pursuant to the Resource Protection Ordinance), California Department of Fish and Game (pursuant to the Fish and Game Code), or the Army Corps of Engineers (pursuant to the Clean Water Act). Therefore, no impacts will occur to any jurisdictional wetlands, and the no net loss of wetlands standards, goals, and policies have been satisfied.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The habitat on site is part of a large block of native habitat that continues to the north of Highway 94. The site is located on a mountain peak, which has the potential to function as a hilltopping location for butterfly species, and there are extensive rock outcroppings throughout the project area, which increases habitat heterogeneity and species diversity. The project will impact 0.3 acre of Diegan coastal sage scrub habitat and 0.1 acre of Southern mixed chaparral habitat. The loss of 0.3 acre of sage scrub and 0.1 acre of chaparral will be mitigated off site at a 1.5:1 and 0.5:1 ratio, respectively. Therefore, the small amount of land onsite to be impacted and the proposal to mitigate off-site in an approved bank within a BRCA will maximize conservation of diverse and unique resource types of high value.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

The study area on the project site contains 8.7 acres of Diegan coastal sage scrub. This small amount is not considered an extensive patch. Proposed project impacts will remove 0.3-acre of Diegan coastal sage scrub and 0.1 acre of Southern mixed chaparral habitat in an area mapped as "high" by the MSCP habitat evaluation model. The loss of 0.3 acre of sage scrub and 0.1 acre of chaparral will be mitigated offsite at 1.5:1 and 0.5:1 ratios, respectively. Therefore, the proposal to mitigate off-site in an approved bank will contribute to preserve assembly and to the conservation of sensitive habitat types that are in high to very high value areas.

4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

On-site mitigation is not proposed as part of this project; therefore, the application of preserve design principles for the creation of habitat is not warranted for this project. However, impacts to 0.3-acre of Diegan coastal sage scrub and 0.1 acre of Southern mixed chaparral will be mitigated at 1.5:1 and 0.5:1 ratios, respectively, in accordance with the requirements of the BMO. The Purchase of off-site mitigation credits as proposed by the project will aid in creating large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

5. The project provides for the development of the least sensitive habitat areas.

The project has been designed to minimize impacts to native habitat by placing the antennas on the existing water tank and by placing the facility north of the adjacent boulder in order to comply with County visual and aesthetic requirements. The habitat found throughout the site and the habitat in the proposed project area is similar in quality and sensitivity. Development has been proposed in the areas of the least sensitivity whenever topography and resources would allow.

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

Based on the biological letter report (Merkel & Associates, 2008), the proposed site is not believed to support key regional populations of covered species. Furthermore, the habitat on site does not represent habitat that functions as a biological unit for any key regional populations. The loss of 0.3 acre of sage scrub and 0.1 acre of chaparral will be mitigated offsite at 1.5:1 and 0.5:1 ratios, respectively. The purchase of the off-site mitigation within a BRCA is expected to contribute to the preservation of a functioning ecosystem supporting MSCP covered species.

California gnatcatcher in not expected to be present on-site, based on the post-fire conditions present onsite and an elevation that is not suitable for the species. The Quino checkerspot butterfly is not expected to occur on-site during the 2008 flight season and potential colonization of the site would not be expected to occur for several years, based on post-fire conditions and documentation in 2005 that the nearest quino observed was located 3 to 4 miles to the northwest.

Two sensitive plant species, Summer Holly (Comarostaphylis diversifolia ssp. diversifolia) and San Diego sunflower (Viguiera lacinata), and one sensitive animal species, Turkey Vulture (Cathartes aura), were identified onsite. The facility and overhead power and telco route are not proposed near the locations of summer holly; therefore the project will not result in impacts to the species. The removal of large outcroppings will not occur as part of this project; therefore, impacts to

potential nesting location of the turkey vulture would not be expected. The project may have impacts to some individual San Diego sunflowers; however 288 individuals were identified onsite and the project impacts possible to this species would not constitute a substantial adverse effect to the regional long-term survival of this species. Spiny redberry, the host plant for Hermes copper butterfly (*Lycaena hermes*) did occur onsite before the 2007 Harris Fire, however the project area is not located near the identified locations of spiny redberry.

The project will be conditioned to prevent any disturbance during avian breeding season. All other covered species will be adequately protected through site design and the preservation of their respective habitats, through off-site mitigation.

7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.

The project is a wireless telecommunication facility located on a hilltop adjacent to an existing fiberglass water tank. It is a small-scale project that would not create a barrier to wildlife movement or impede the use of nursery sites. The project will impact 0.3 acre of Diegan coastal sage scrub and 0.1 acre of Southern mixed chaparral. The property consisted of sage scrub and chaparral habitat with high floral and faunal species diversity, located amongst extensive rock outcroppings. The habitat on site is part of a large block of native habitat that continues to the north of Highway 94. The entire site burned in the October 2007 Harris Fire and currently consists of limited, re-sprouting native shrubs. The corridors and topography onsite will remain relatively unchanged as a result of this project.

The Biological Letter Report prepared by Merkel & Associates, Inc and dated January 30, 2008 concluded that the project area could provide potential foraging habitat for golden eagles, however there are no documented nest locations within 4000 ft of the project site. The project area has the potential to be utilized by large mammals, such as southern mule deer and mountain lion; however no evidence of their use was identified during the biological surveys. Additionally, the 2007 Harris Fire burned the entire site; therefore the majority of the aforementioned species now have a low potential or are not expected to occur on-site.

Based on the small scale of the project and the current conditions on the site, the project will not affect any large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule Deer, Golden Eagles and large predators.

8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.

The Biological Letter Report prepared by Merkel & Associates, Inc and dated January 30, 2008 concluded that no critical or narrow endemic plant or animal species were detected on the site. Two sensitive plant species, Summer Holly (Comarostaphylis diversifolia ssp. diversifolia) and San Diego sunflower (Viguiera lacinata), and one sensitive animal species, Turkey Vulture (Cathartes aura), were identified onsite. The facility and overhead power and telco route are not proposed near the locations of summer holly; therefore the project will not result in impacts to the species. The removal of large outcroppings will not occur as part of this project; therefore, impacts to potential nesting location of the turkey vulture would not be expected. Additionally, impacts to this species will be minimized by the implementation of breeding season avoidance. Such mitigation will be a condition of project approval. The project may have impacts to some individual San Diego sunflowers; however 288 individuals were identified onsite and the project impacts possible to this species would not constitute a substantial adverse effect to the regional long-term survival of this species. Spiny redberry, the host plant for Hermes copper butterfly (Lycaena hermes) did occur onsite before the 2007 Harris Fire, however the project area is not located near the identified locations of spiny redberry.

The proposed wireless facility is a small scale project, placed adjacent to an existing water tank, that will impact 0.3 acre of Diegan coastal sage scrub and 0.1 acre of Southern mixed chaparral, out of a total 17.4 acres included in the study area for the project. Impacts will be mitigated off site at a 1.5:1 and 0.5:1 ratio, respectively, in an approved mitigation bank within a Biological Resource Core Area (BRCA). Therefore, the proposed facility is not expected to result in impacts to narrow endemic species or to rare or endangered plants.

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

Proposed development of the wireless facility will not jeopardize any existing preserve systems within the Metro-Lakeside-Jamul Segment of the MSCP, nor will the loss of 0.3-acre of Diegan coastal sage scrub and 0.1 acre of Southern mixed chaparral habitat compromise any possible or probable preserve area. The nearest PAMA is approximately 2.3 miles to the west of the site and the nearest Hardline Preserve is 0.4 miles to the east. Thus, the project would not adversely affect any existing or future MSCP preserve.

10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

The project site does not propose any onsite preservation of habitat. The potential loss of 0.3 acre of Diegan coastal sage scrub will be mitigated off site at a 1.5:1 ratio. The potential loss of 0.1 acre of Southern mixed chaparral will be mitigated off site at a 1:1 ratio. All mitigation shall occur in a County approved mitigation bank within the boundaries of the County's MSCP.

11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

The project is a wireless telecommunication facility located on a hilltop adjacent to an existing fiberglass water tank. It is a small-scale project that would not create a barrier to wildlife movement or impede the use of nursery sites. The project will impact 0.3 acre of Diegan coastal sage scrub and 0.1 acre of Southern mixed chaparral, out of a total 17.4 acres included in the study area for the project. The property consists of sage scrub and chaparral habitat with high floral and faunal species diversity, located amongst extensive rock outcroppings. The entire site burned in the October 2007 Harris Fire and currently consists of limited, resprouting native shrubs.

The entire site qualifies as a BRCA. Therefore, any development on the site would constitute an impact. However, to the maximum extent practicable, the project design minimizes impacts to the resources on site by placing the antennas on the existing water tank and by placing the facility north of the adjacent boulder in order to comply with County visual and aesthetic requirements. The corridors and topography onsite will remain relatively unchanged as a result of this project.

Under the BMO, impacts to southern mixed chaparral and to Diegan coastal sage scrub may be mitigated through habitat-based mitigation. The loss of 0.3 acre of sage scrub and 0.1 acre of chaparral will be mitigated off site at a 1.5:1 and 0.5:1 ratio, respectively. Therefore, the small amount of land onsite to be impacted and the proposal to mitigate off-site in an approved bank within a BRCA is expected to contribute to the preservation of a functioning ecosystem supporting MSCP covered species. Therefore, impacts to BRCAs have been avoided, and impacts to sensitive resources and sensitive species have been minimized as outlined in the BMO.

Terri Foster, Department of Planning and Land Use March 24, 2008

MSCP Designation For Highway 94-Engineer Springs Major Use Permit MUP 06-087, Log 06-19-029

